

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

OCTOBER 23, 2003

The Marlboro Township Council held a regularly scheduled Council Meeting on October 23, 2003 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Karcher opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on December 13, 2002; mailed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Denkensohn, Councilman Kovalski, Council Vice President Mione, Councilwoman Singer and Council President Karcher.

Also present were: Township Attorney Jonathan Williams, Esq., Ronald H. Gordon, Esq., Business Administrator Chris Marion, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

The following Resolution #2003-295/Ordinance # 2003-21 (Rescinding Redevelopment Plan for Marlboro State Hospital Property and directing preparation of a substitute redevelopment plan which provides for use of property for Open Space, conservation and recreation) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0.

RESOLUTION # 2003-295

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-21

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO RESCINDING THE REDEVELOPMENT PLAN DATED FEBRUARY 2001 AND AMENDED ON MARCH 1, 2001 FOR THE MARLBORO STATE HOSPITAL PROPERTY AS ADOPTED BY ORDINANCE 2001-3 AND DIRECTING PREPARATION OF A SUBSTITUTE REDEVELOPMENT PLAN WHICH PROVIDES FOR THE USE OF THE MARLBORO STATE HOSPITAL PROPERTY IN PERPETUITY FOR OPEN SPACE, CONSERVATION AND RECREATION, CONSISTENT WITH THE ATTACHED REPORT PREPARED BY NORTH AMERICAN REALTY ADVISORY SERVICES DATED OCTOBER 23, 2003

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on November 13, 2003 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2003-21

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO RESCINDING THE REDEVELOPMENT PLAN DATED FEBRUARY 2001 AND AMENDED ON MARCH 1, 2001 FOR THE MARLBORO STATE HOSPITAL PROPERTY AS ADOPTED BY ORDINANCE 2001-3 AND DIRECTING PREPARATION OF A SUBSTITUTE REDEVELOPMENT PLAN WHICH PROVIDES FOR THE USE OF THE MARLBORO STATE HOSPITAL PROPERTY IN PERPETUITY FOR OPEN SPACE, CONSERVATION AND RECREATION, CONSISTENT WITH THE ATTACHED REPORT PREPARED BY NORTH AMERICAN REALTY ADVISORY SERVICES DATED OCTOBER 23, 2003

WHEREAS, the Township Council of the Township of Marlboro duly adopted Resolution No. 2000-247 authorizing the Township Planning Board to undertake a preliminary investigation as to whether the Marlboro Hospital Property, known and designated as Block 159, Lot 11, was an area in need of redevelopment; and

WHEREAS, the Marlboro Township Planning Board by resolution duly adopted on October 18, 2000 determined that

the Marlboro Hospital Property met the criteria to be classified as a redevelopment area under the "Local Redevelopment and Housing Law," N.J.S.A. 40A:12A-1, et seq., and recommended to the Township Council that the Marlboro Hospital Property be declared an area in need of redevelopment; and

WHEREAS, the Township Council duly adopted Resolution 2001-12 designating the Marlboro State Hospital Property as a "Redevelopment Area" of Marlboro Township, in accordance with the LRHL, and declared that all such land, buildings, streets and improvements contained upon the Marlboro Hospital Property be included as part of the "Redevelopment Area"; and

WHEREAS, in accordance with the LRHL and in order to provide for the orderly and appropriate planning, development, redevelopment and rehabilitation of the Marlboro Hospital Property, the Township Council adopted a "Redevelopment Plan (prepared by Maser Consulting, P.A., dated February 2001, as amended March 1, 2001) for the Marlboro Hospital Property, known and designated as Block 159, Lot 11" on March 15, 2001 by Ordinance 2001-3 (the "2001 Redevelopment Plan") and elected to serve as the redevelopment entity for the Marlboro Hospital Property; and

WHEREAS, in furtherance of and consistent with the 2001 Redevelopment Plan, the Township previously authorized the solicitation of proposals from qualified firms in order to obtain conceptual plans for the redevelopment of the Marlboro Hospital Property and further authorized certain Memorandums of Understanding which provided for the negotiation of an Agreement for Purchase of the Marlboro Hospital Property from the State of New Jersey; and

WHEREAS, the Township, in the course of due diligence efforts, determined that there are several recently adopted environmental regulations which significantly impact and constrain the feasibility and implementation of the 2001 Redevelopment Plan for the Marlboro Hospital Property. These constraints include the designation by the New Jersey Department of Environmental Protection of the Marlboro Hospital Property as being located in a C-1 Water Quality Area, recent amendments to the New Jersey Department of Environmental Protection Stormwater Management Rules, and a modification to the governing Wastewater Management Plan applicable to the Marlboro Hospital Property which severely

limits the sewer service area and provides for the future decommissioning of the existing wastewater treatment facility located on the properties; and

WHEREAS, in recognition of these environmental constraints which render many of the goals of the 2001 Redevelopment Plan unachievable, the Township Council has determined that the 2001 Redevelopment Plan should be rescinded, while maintaining the Marlboro Hospital Property's designation as a Redevelopment Area; and

WHEREAS, the Township Council has determined to continue its negotiations with the State of New Jersey for acquisition of the Marlboro Hospital Property and has further determined to examine the feasibility of developing the Marlboro Hospital Property in a manner which recognizes the sensitivity of the property to environmental concerns which dramatically affect the residents of Marlboro Township and Monmouth County; and

WHEREAS, the Township Council has received a report from North American Realty Advisory Services which demonstrates that the Marlboro Hospital Property can be developed in a manner which addresses the aforementioned environmental concerns and which will also provide the Township with appropriate open space and recreation opportunities and which may also allow for the use of the property for other appropriate public purposes; and

WHEREAS, the Township Council has determined that it is in the best interest of the Township and the future use of the Marlboro Hospital Property to direct the preparation of a new redevelopment plan which takes into consideration the limitations on future development and which recognizes that, title to the Marlboro Hospital Property will be acquired containing restrictions limiting development to open space, conservation and other approved public use; and

WHEREAS, it is the intent of the Township Council that the preparation, adoption and implementation of any new redevelopment plan for the Marlboro Hospital Property shall be undertaken on an expedited basis and in accordance with the process mandated by applicable laws, with the benefit of additional public input. Implementation of any such plan is strictly contingent upon the Township's ability to acquire and develop the Marlboro Hospital Property without any negative financial impact or risk to the Township.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO that:

1. Ordinance 2001-3 entitled "An Ordinance of the Township of Marlboro Adopting a Redevelopment Plan for the Marlboro Hospital Property Known and Designated as Block 159, Lot 11, Township of Marlboro, County of Monmouth, State of New Jersey," adopted by the Township Council on March 15, 2001, is hereby rescinded.
2. The designation of the Marlboro Hospital Property as a Redevelopment Area remains unchanged by this Ordinance.
3. Negotiations with the State of New Jersey for acquisition of the Marlboro Hospital Property are to continue on an expedited basis with the further direction that title to the Marlboro Hospital Property be restricted to future use as open space conservation and recreation as well as other public purposes identified in the report of North American Realty Advisory Services, dated October 23, 2003, attached hereto and incorporated herein as if set forth at length. The cost of acquisition on a per acre basis shall take into account the aforestated limitations on future use, the cost of demolishing existing structures which cannot be utilized or rehabilitated and the cost of any environmental remediation.
4. The Township directs the preparation of a new redevelopment plan which incorporates the concepts contained in the attached report and which takes into consideration the limitations on future development recognizing that the deed to the Marlboro Hospital Property will be transferred containing restrictions limiting development to open space, conservation and related public uses as defined in the attached report.
5. That the Mayor, Township Business Administrator, Township Clerk, Township Attorney, and other appropriate Township officials are hereby

authorized to sign any and all documents necessary to effectuate the intentions of the within Ordinance.

6. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
7. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.
8. That the within Ordinance shall take effect immediately, or as otherwise allowed by law.

Public Information Report - Public Information Director Susan Levine spoke on upcoming events and announcements: 1st annual Harvest Festival on Sat. Oct. 25th from 10am-2pm; Halloween curfew starting 10-29 thru 11-1 from 10pm-6am; Project Lifesaver, a new Monmouth County program, for the benefit of Alzheimer's patients; and the Annual Senior Health Fair on Oct. 30th.

Council took a short recess at 10:20pm.

Councilman Kovalski moved that the minutes of Sept. 9, 2003 be approved. This motion was seconded by Councilman Denkensohn and the minutes as amended were passed on a roll call vote of 4-0 (Abstain: Mione).

Councilman Kovalski moved that the minutes of Sept. 25, 2003 be approved. This motion was seconded by Councilman Denkensohn and the minutes as amended were passed on a roll call vote of 5-0.

Council President Karcher opened the Public Hearing on Ordinance # 2003-19 (No Left Turn Route 520 - Goddard School). As there was no one who wished to speak, the

Public Hearing was closed. The following Resolution # 2003-296/Ord. # 2003-19 (No Left Turn Route 520 - Goddard School) was introduced by reference, offered by Councilwoman Singer, seconded by Council Vice President Mione and passed on a roll call vote of 5 - 0.

RESOLUTION # 2003-296

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-19

AN ORDINANCE PROHIBITING LEFT TURNS INTO AND OUT OF THE PROJECT LOCATED AT MARLBORO PLAZA FOR THE PROPOSED DAY CARE FACILITY TO BE KNOWN AS THE GODDARD SCHOOL,
BEING LOCATED ON LOT 37 IN BLOCK 176,
46 COUNTY ROUTE 520, MARLBORO, NEW JERSEY

which was introduced on September 25, 2003, public hearing held October 23, 2003, be adopted on second and final reading this 23rd day of October, 2003.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Karcher opened the Public Hearing on Ordinance # 2003-20 (Accepting Dedication of Lands - Bella Vista Estates to Marlboro Twp.). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2003-297/Ord. # 2003-20 (Accepting Dedication of Lands - Bella Vista Estates to Marlboro Twp.) was introduced by reference, offered by Councilman Kovalski, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0.

RESOLUTION # 2003-297

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-20

AN ORDINANCE ACCEPTING DEDICATION OF LANDS
TO THE TOWNSHIP OF MARLBORO, NEW JERSEY

which was introduced on October 9, 2003, public hearing held October 23, 2003, be adopted on second and final reading this 23rd day of October, 2003.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution # 2003-298 (Award of State Contract #A46902 - Ammunition) was introduced by reference, offered by Council Vice President Mione, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-298

A RESOLUTION AUTHORIZING THE PURCHASE OF AMMUNITION FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE UNDER STATE CONTRACT # A46902

WHEREAS, the Township of Marlboro Department of Public Safety, Division of Police has recommended that the Township purchase Ammunition from Eagle Point Gun Shop of Thorofare, New Jersey for Police Department qualifications and Emergency Response Unit qualifications under State Contract #A46902; and

WHEREAS, the total amount of the contract is for \$31,179.08, to be funded as follows:

\$13,910.00 to be funded by the Police Department
\$17,269.08 to be funded by the Emergency Response Unit; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide equipment and supplies to the Division of Police; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase ammunition for the Department of Public Safety, Division of Police qualifications and Emergency Response Unit Qualifications from Eagle Point Gun Shop of Thorofare, New Jersey under State Contract #A46902 for the total amount of \$31,179.08.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Eagle Point Gun Shop of Thorofare, New Jersey
- b. Township Administrator
- c. Township Department of Public Safety, Division of Police
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-299 (Reject and Rebid - CAD/RMS) was introduced by reference, offered by Councilman Kovalski, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-299

BE IT RESOLVED by the Township Council of the Township of Marlboro that all bids heretofore received for

CAD/RMS

are hereby rejected and the Business Administrator is authorized and directed to return the bid bond or other security to the appropriate bidder.

BE IT FURTHER RESOLVED that the Business Administrator be and he is hereby authorized and directed to advertise for open, competitive bids for

CAD/RMS

as required by law.

The following Resolution # 2003-300 (Award of Bid - Two Leaf Vacuums) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-300

A RESOLUTION AWARDING A CONTRACT TO THE ODB COMPANY TO PROVIDE TWO (2) 2003 OR NEWER TWENTY-FIVE (25) CUBIC YARD LEAF VACCUMS TO THE MARLBORO TOWNSHIP DIVISION OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of two (2) 2003 or Newer Twenty-Five (25) Cubic Yard Leaf Vacuums to the Marlboro Township Division of Public Works, and on October 6, 2003, received one (1) bid therefor; and

WHEREAS, the (1) bid received was as follows:

1. The ODB Company, 5115 Glen Alden Drive, Richmond, VA 23231 for the amount of \$46,820.00

WHEREAS, the Township Administration and the Division of Public Works have reviewed the said bid received and recommended that same be awarded to The ODB Company as the apparent lowest responsible bidder; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage The ODB Company of Richmond, Virginia to provide two (2) 2003 or newer Twenty-Five (25) Cubic Yard Leaf Vacuums to the Marlboro Township Division of Public Works.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to The ODB Company of Richmond Virginia for the provision two (2) 2003 or newer Twenty-Five (25) Cubic Yard Leaf Vacuums to the Marlboro Township Division of Public Works; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Foley, Inc. in a form to be approved by the Township Attorney, for the aforementioned equipment; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. The ODB Company
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Superintendent Public Works
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-301 (Award of Bid - Cell Tower Co-location) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-301

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT WITH NEXTEL OF NEW YORK, INC., A DELAWARE CORPORATION D/B/A NEXTEL COMMUNICATIONS ("NEXTEL") TO LEASE SPACE AT THE 155 FOOT AND/OR 125 FOOT HEIGHT ELEVATION(S) ON THE TOWNSHIP OWNED MONOPOLE FOR CO-LOCATION OF CELLULAR ANTENNAE AND LEASE LAND FOR THE CONSTRUCTION OF ANCILLARY SUPORT EQUIPMENT AND/OR STRUCTURE

WHEREAS, the Township of Marlboro has authorized the acceptance of bids to lease space on the Township owned monopole located at 1979 Township Drive for co-location of cellular antennae and lease of land for the construction of ancillary support equipment and/or structure (the "Co-Location and Lease Agreement") and on May 23, 2003 received one (1) bid therefor; and

WHEREAS, the (1) bid received was as follows:

1. Nextel of New York, Inc., a Delaware Corporation d/b/a Nextel Communications ("Nextel"), 2 Industrial Road, Fairfield, NJ 07004

WHEREAS, the Township Attorney and Township Engineer have reviewed the bid and found the ostensible responsible bid of Nextel to be in order and in conformity with the bid

specifications and have recommended the award of the bid to that wireless provider; and

WHEREAS, the Mayor and Township Council have indicated their desire to enter into a Co-Location and Lease Agreement with Nextel.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Lease Agreement be and is hereby authorized between the Township of Marlboro and Nextel for the lease of space on the Township owned monopole located at 1979 Township Drive for co-location of cellular antennae and lease of land for the construction of ancillary support equipment and/or structure in the Township of Marlboro, County of Monmouth, State of New Jersey pursuant to the terms and conditions contained in the Bid Specifications currently on file in the Office of the Clerk of the Township of Marlboro; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Lease Agreement with Nextel as approved by the Township Attorney; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Nextel
- b. Township Administrator
- c. Township Engineer
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-302 (Award of Contract - Swim Club Electric Room Upgrade) was introduced by reference, offered by Councilwoman Singer, seconded by Council Vice President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-302

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH DLB ASSOCIATES CONSULTING ENGINEERS, P.C. TO PROVIDE ELECTRICAL ENGINEERING DESIGN SERVICES TO THE TOWNSHIP OF MARLBORO FOR THE ELECTRIC ROOM UPGRADE AT THE MARLBORO SWIM CLUB

WHEREAS, there exists a need for the services of an engineer in order to provide electrical engineering design services to the Township of Marlboro in connection with the electric room upgrade at the Marlboro Swim Club in the Township of Marlboro (the "Services"); and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council, having considered the same, now wishes to authorize DLB Associates Consulting Engineers, P.C. to perform the aforesaid Services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor, or his designee, is authorized to execute and the Township Clerk to attest an agreement in a form acceptable to the Township Attorney between the Township of Marlboro and DLB Associates Consulting Engineers, P.C. with regard to the aforesaid Services, as per the proposal dated September 29, 2003, to be attached hereto and made a part hereof.

2. That the services to be performed shall be on an hourly basis as outlined in the attached proposal, with a cap on the total expenditure in the amount not to exceed \$13,750.00. Further authorization from the Township Council shall be required for any expenditure beyond said amount.

3. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with *N.J.S.A. 40A:11-5*, of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and

it is not possible to obtain bids for such needed qualitative services.

4. That this award of contract is specifically contingent upon verification and certification by the Township Chief Financial Officer of adequate funding available for same. The Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.

5. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. DLB Associates Consulting Engineers, P.C. (Attn: Paul B. Estilow, PE)
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Engineer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-303 (Award of Contract - Bid Preparation & Advertising Services - Vanderburg Park Basketball Court) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-303

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CME ASSOCIATES FOR BID PREPARATION SERVICES IN CONNECTION WITH THE CONSTRUCTION OF THE BASKETBALL COURT AT THE VANDERBURG PARK AQUATIC CENTER

WHEREAS, there exists a need for the services of an engineer in order to provide bid preparation services to the Township of Marlboro for the construction of a basketball court at the Vanderburg Park Aquatic Center in the Township of Marlboro (the "Construction"); and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council, having considered the same, now wishes to authorize CME Associates to perform the aforesaid bid preparation services in connection with the Construction.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor, or his designee, is authorized to execute and the Township Clerk to attest an agreement in a form acceptable to the Township Attorney between the Township of Marlboro and CME Associates with regard to the aforesaid bid preparation services, as per the proposal dated September 24, 2003, to be attached hereto and made a part hereof.

2. That the services to be performed shall be on an hourly basis as outlined in the attached proposal, with a cap on the total expenditure in the amount not to exceed \$3,900.00 for such services. Further authorization from the Township Council shall be required for any expenditure beyond said amount.

3. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with *N.J.S.A. 40A:11-5*, of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

4. That this award of contract is specifically contingent upon verification and certification by the Township Chief Financial Officer of adequate funding

available for same. The Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.

5. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates (Attn: Mark Lescavage)
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Engineer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-304 (Award of Contract - Bid Preparation & Advertising Services - Hawkins Road Park) was introduced by reference, offered by Councilman Kovalski, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-304

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH SCHOOR DEPALMA INC. FOR BID PREPARATION SERVICES IN CONNECTION WITH THE CONSTRUCTION OF IMPROVEMENTS AT HAWKINS ROAD PARK

WHEREAS, there exists a need for the services of an engineer in order to provide bid preparation services to the Township of Marlboro for the construction of improvements at Hawkins Road Park in the Township of Marlboro (the "Construction"); and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the

awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council, having considered the same, now wishes to authorize Schoor DePalma Inc. to perform the aforesaid bid preparation services in connection with the Construction.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor, or his designee, is authorized to execute and the Township Clerk to attest an agreement in a form acceptable to the Township Attorney between the Township of Marlboro and Schoor DePalma Inc. with regard to the aforesaid bid preparation services, as per the proposal dated September 18, 2003, to be attached hereto and made a part hereof.

2. That the services to be performed shall be on an hourly basis as outlined in the attached proposal, with a cap on the total expenditure in the amount not to exceed \$4,050.00 for such services. Further authorization from the Township Council shall be required for any expenditure beyond said amount.

3. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with *N.J.S.A. 40A:11-5*, of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

4. That this award of contract is specifically contingent upon verification and certification by the Township Chief Financial Officer of adequate funding available for same. The Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.

5. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Schoor DePalma Inc. (Attn: Eric Mattes, CLA)
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Engineer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-305 (Award of Contract - Construction Administration and Observation Services - Hawkins Road Park) was introduced by reference, offered by Councilman Kovalski, seconded by Council Vice President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-305

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH SCHOOR DEPALMA INC. FOR CONSTRUCTION ADMINISTRATION AND OBSERVATION SERVICES IN CONNECTION WITH THE CONSTRUCTION OF IMPROVEMENTS AT HAWKINS ROAD PARK

WHEREAS, there exists a need for the services of an engineer in order to provide construction administration and observation services to the Township of Marlboro in connection with the construction of improvements at Hawkins Road Park in the Township of Marlboro (the "Services"); and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council, having considered the same, now wishes to authorize Schoor DePalma Inc. to perform the aforesaid Services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor, or his designee, is authorized to execute and the Township Clerk to attest an agreement in a form acceptable to the Township Attorney between the Township of Marlboro and Schoor DePalma Inc. with regard to the aforesaid Services, as per the proposal dated September 26, 2003, to be attached hereto and made a part hereof.

2. That the services to be performed shall be on an hourly basis as outlined in the attached proposal, with a cap on the total expenditure in the amount not to exceed \$17,490.00 for such services. Further authorization from the Township Council shall be required for any expenditure beyond said amount.

3. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with N.J.S.A. 40A:11-5, of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

4. That this award of contract is specifically contingent upon verification and certification by the Township Chief Financial Officer of adequate funding available for same. The Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.

5. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Schoor DePalma Inc.
(Attn: Richard E. Brown, PE, PP, CME)
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Engineer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-306 (Award of Contract - HVAC System & Building Design/Construction Study) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Kovalski and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-306

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BERKOWSKY AND ASSOCIATES, INC. FOR AN ARCHITECTURAL AND ENGINEERING STUDY OF THE HVAC SYSTEM IN THE ADMINISTRATION, COURT AND POLICE BUILDINGS IN THE TOWNSHIP OF MARLBORO

WHEREAS, there exists a need for the services of an architect and an engineer in order to provide an architectural and engineering study of the HVAC system in the Administration, Court and Police Buildings in the Township of Marlboro (the "Services"); and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council, having considered the same, now wishes to authorize Berkowsky and Associates, Inc. to perform the aforesaid Services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor, or his designee, is authorized to execute and the Township Clerk to attest an agreement in a form acceptable to the Township Attorney between the Township of Marlboro and Berkowsky and Associates, Inc. with regard to the aforesaid Services, as per the proposal

dated September 18, 2003, to be attached hereto and made a part hereof.

2. That the services to be performed shall be on an hourly basis as outlined in the attached proposal, with a cap on the total expenditure in the amount not to exceed \$6,500.00 for such services. Further authorization from the Township Council shall be required for any expenditure beyond said amount.

3. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with N.J.S.A. 40A:11-5, of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

4. That this award of contract is specifically contingent upon verification and certification by the Township Chief Financial Officer of adequate funding available for same. The Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.

5. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Berkowsky and Associates, Inc.
(Attn: Mark A. Berkowsky, AIA)
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Engineer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-307 (Donated Emergency Generator) was introduced by reference, offered by Councilman Kovalski, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-307

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO ACCEPT
THE DONATION OF AN EMERGENCY GENERATOR FROM THE
FEDERAL AVIATION ADMINISTRATION

WHEREAS, there exists a need for an emergency generator for the offices of the Township Department of Community Development, Division of Public Works; and

WHEREAS, the Federal Aviation Administration ("FAA") has notified the Township Division of Public Works that an emergency generator is available, at no cost to the Township, from the FAA facility located off Beacon Hill Road; and

WHEREAS, it would be in the best interests of the Township and the health, safety and welfare of its citizens to have an emergency generator for the Offices of the Township Division of Public Works; and

WHEREAS, the Township Council, having considered the same, now wishes to authorize the request and acceptance of an emergency generator from the FAA for the Offices of the Department of Community Development, Division of Public Works.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator may formally request the aforesaid emergency generator from the FAA for the Township for use by the Township Division of Public Works.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Federal Aviation Administration
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Superintendent of Public Works
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-308 (Redemption Tax Sale Cert - B. 178, L. 2 C0383) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Kovalski and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-308

HEREAS, Tax Sale Certificate 03-49 for Block 178 Lot 2 C0383, assessed to Robert M. Clark, located at 383 Yorkshire Drive, has been redeemed in the amount of 242.46,

WHEREAS, the holder of the above-mentioned tax sale certificate, Michael Fabrikant, is entitled to the amount of the sale plus interest and costs totaling \$242.46,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$242.46 be refunded to the holders of said certificate as above.

The following Resolution # 2003-309 (Senior Cit. Ded. - B. 288, L. 29 C0465) was introduced by reference, offered by Councilman Kovalski, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-309

WHEREAS, a Senior Citizen deduction in the amount of \$250.00 has been allowed for the year 2003 for Block 288 Lot 29 C0465, located on 465 Bayberry Court, assessed to Antoinette & Linda D'Amato,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$250.00 as noted above.

At 11:10pm, Councilman Kovalski moved that the meeting go into executive session for reason of discussing property acquisition, contract negotiations, litigation and personnel. This was seconded by Councilman Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 2003-311

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 23rd day of October, 2003 to go into executive session for the purpose of discussing those items that are particularly

exempted from the Open Public Meetings Act, namely property acquisition, contract negotiations, litigation and personnel.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 45 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 12:20am, Councilman Denkensohn moved that the meeting be opened. This was seconded by Councilman Kovalski, and as there was no objection, the Clerk was asked to cast one ballot.

At 12:21am, Councilman Kovalski moved that the meeting be adjourned. This was seconded by Councilman Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: November 13, 2003

OFFERED BY: Kovalski AYES: 5

SECONDED BY: Denkensohn NAYS: 0

ALIDA DE GAETA
MUNICIPAL CLERK

ELLEN KARCHER
COUNCIL PRESIDENT